

Message

From: Hanson, Robyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C4CD36EF688F47ABA2373A33B5D9B8FF-HANSON, ROB]
Sent: 2/17/2021 5:58:07 PM
To: Cathy Laughner [cathyl@bkbh.com]
CC: 'Thomas Jodoin' [TJODOIN@helenamt.gov]
Subject: RE: EPA AOC paragraph 112

Cathy,

The initial development of local limits by the City of Helena required EPA approval when the City first submitted its Pretreatment Program. EPA approval is also required for updates to the local limits to ensure that those limits continue to be based on current standards and current data that is representative of the service area and the POTW. Additional regulatory information is below.

Initial EPA Approval of a Pretreatment Program, Including Local Limits (40 CFR § 403.9)

Local limits are part of a POTW's Pretreatment Program, which in total must be approved by the approval authority. See 40 CFR § 403.9. Here, EPA is the approval authority. In seeking EPA's approval of its entire Pretreatment Program, the City is required to identify how it will implement the Pretreatment Program requirements in 40 CFR § 403.8, which include the requirement for local limits. See 40 CFR § 403.9(b)(1)(ii).

Modifications of an Approved Pretreatment Program (40 CFR § 403.18)

40 CFR § 403.18 governs modifications (substantial and non-substantial) of an approved Pretreatment Program. See also 40 CFR § 403.5(c)(1), which requires continuous development of the local limits as necessary after initial EPA approval.

All modifications of an approved Pretreatment Program, per 40 CFR § 403.9, require submission to EPA for approval. 40 CFR § 403.18(b) applies when a program modification submittal is determined to be substantial, subject to public notice requirements listed in § 403.18(c). 40 CFR § 403.18(d) applies when a program modification submittal is determined to be non-substantial. 40 CFR § 403.5(c)(3) requires the City to provide the public an opportunity to comment on any new proposed local limits.

Part I.E.b of the City's MPDES Permit reiterates these principles.

-Robyn

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402.0044.2020_HelenaWWTP

From: Cathy Laughner <cathyl@bkbh.com>
Sent: Friday, February 12, 2021 3:08 PM
To: Hanson, Robyn <Hanson.Robyn@epa.gov>
Cc: 'Thomas Jodoin' <TJODOIN@helenamt.gov>
Subject: EPA AOC paragraph 112

Robyn,

Public notice and a technical evaluation are not required to comply with 40 CFR 403.5(3), even though this is referenced in paragraph 112. Do local limits need approval by EPA? I have not been able to find it in the regulations. If local limits are relaxed, I can see that 40 CFR 403.18(b)(2) requires approval.

Thanks.

Cathy

From: Cathy Laughner

Sent: Friday, February 12, 2021 12:35 PM

To: 'Hanson, Robyn' <Hanson.Robyn@epa.gov>

Cc: 'Thomas Jodoin' <TJODOIN@helenamt.gov>

Subject: EPA AOC paragraph 113

Robyn,

I am trying to understand paragraph 113 and why this would be imposed on the City. 40 CFR 122.44(j) contains requirements for issuers of NPDES permits, (see below). Helena was issued a MPDES permit by the state. I do not think the City has to do a technical evaluation and paragraph 113 could be eliminated. As mentioned on our call in January, the City's consultant is working on local limits and anticipates completion in March. Paragraph 112 covers it.

Thanks.

Cathy

§ 122.44 Establishing limitations, standards, and other permit conditions (applicable to State NPDES programs, see § 123.25).

In addition to the conditions established under § 122.43(a), each NPDES permit shall include conditions meeting the following requirements when applicable.

(j) Pretreatment program for POTWs. Requirements for POTWs to:

(1) Identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of CWA and 40 CFR part 403.

(2)

(i) Submit a local program when required by and in accordance with 40 CFR part 403 to assure compliance with pretreatment standards to the extent applicable under section 307(b). The local program shall be incorporated into the permit as described in 40 CFR part 403. The program must require all indirect dischargers to the POTW to comply with the reporting requirements of 40 CFR part 403.

(ii) Provide a written technical evaluation of the need to revise local limits under 40 CFR 403.5(c)(1), following permit issuance or reissuance.